

**1994 SESSION**

**HOUSE SUBSTITUTE**

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# 1994 SESSION

## HOUSE SUBSTITUTE

### HOUSE BILL NO. 568

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on February 15, 1994)

(Patron Prior to Substitute—Delegate Reynolds)

*A BILL to amend the Code of Virginia by adding a section numbered 43-13.3, relating to affidavit of payment of mechanic's lien.*

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 43-13.3 as follows:**

*§ 43-13.3. Affidavit of payment required of owner prior to sale or refinance.*

*Any person who is the owner of a one- or two-family residential dwelling unit not included within the scope of § 43-13.2 shall, at the time of settlement on the sale of such property, provide the purchaser, or lender in the case of a permanent loan or refinance, with an affidavit stating either (i) that all persons performing labor or furnishing materials in connection with any improvements on such property within 120 days prior to the date of settlement and with whom such owner is in privity of contract have been paid in full, or (ii) the name, address and amount payable or claimed to be payable to any person so performing labor or furnishing materials and with whom such owner is in privity of contract. Any willful material misrepresentation in the affidavit which causes a monetary loss to any financial institution, title company, or purchaser shall be punishable as a Class 6 felony.*

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